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Mar 15, 2022

s/ Daryl Olszewski

Deputy Clerk, U.S. District Court
Eastern District of Wisconsin

UNITED STATES DISTRICT COURT

for the
Eastern District of WisconsinIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)A gray 2003 Toyota Sequoia, VIN
5TDZT34A63S199754, The vehicle is currently in
evidence at the Sheboygan Co. Sheriff's Dept.

Case No. 22 MJ 32

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the District of , there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 641; 21 U.S.C. § 841	Property, evidence, fruits, and instrumentalities related to the theft of property belonging to the United States; property, evidence, fruits, and instrumentalities related to the distribution and possession of controlled substances.

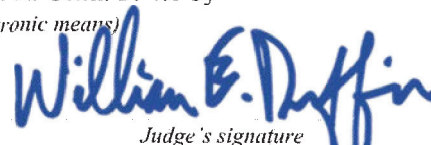
The application is based on these facts:

See attached affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature
SA Jay D. Johnston, FBI
Printed name and titleAttested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means)

Date: 3/15/2022


Judge's signature

City and state: Milwaukee, WI

Hon. William E. Duffin, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, Jay D. Johnston, being first duly sworn on oath, on information and belief state:

I. INTRODUCTION, BACKGROUND, TRAINING, AND EXPERIENCE

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since September 1997. Prior to my employment with the FBI, I was a deputy sheriff, in Jackson, Michigan, for approximately 8 years. I am currently assigned to the FBI's Milwaukee Area Violent Crimes Task Force. This Task Force is a multi-jurisdictional law enforcement entity charged with investigating violations of federal law, including bank robberies, commercial robberies and other violent crime matters, defined under Title 18 of the United States Code. I have been trained in a variety of investigative matters, to include theft of government property and controlled substance violations. I have also been trained in a variety of legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. I have assisted in criminal investigations, participating in surveillance, interviews, and debriefs of arrested subjects. As a result of this training and investigative experience, I have learned how and why criminal actors typically conduct various aspects of their criminal activities.

2. Based on the investigation to date, I believe there is probable cause to believe that property, evidence, fruits, and instrumentalities related to the theft of property belonging to the United States, specifically a utility trailer belonging to the Federal Bureau of Investigation, in violation of Title 18, United States Code, Section 641, as well as property, evidence, fruits, and instrumentalities related to the distribution or possession of controlled substances, in violation of Title 21, United States Code, Section 841, will be located in a gray 2003 Toyota Sequoia, Vehicle Identification Number (VIN) 5TDZT34A63S199754, improperly bearing Wisconsin

registration PX6318, further described in Attachment A. The items to be searched for are listed in Attachment B.

II. PROBABLE CAUSE

3. On March 3, 2022, a white 14-foot 2011 United utility trailer, VIN 48BTE1423BA113931, belonging to the Federal Bureau of Investigation (FBI), which is an entity of the United States Government, was stolen from the parking lot of a covert FBI off-site location in Cudahy, in Milwaukee County, Wisconsin, within the Eastern District of Wisconsin. The stolen trailer was unmarked and mostly empty, except for possibly a tire jack and cabinets. There may be FBI stickers on some of the cabinets within the trailer. The theft was captured on several FBI surveillance cameras. Image 1, embedded below, depicts the suspect vehicle entering the FBI parking lot, at approximately 4:23 p.m. The vehicle appeared to have damage on the passenger side front bumper as identified with a circle in the photo below:



Image 1 - Vehicle involved in theft entering the FBI parking lot

4. The surveillance footage shows the above vehicle as it pulls into the FBI parking lot and then parks next to the stolen trailer, at approximately 4:23 p.m. The subject then pulls his vehicle in front of the trailer before departing with the trailer, at approximately 4:59 p.m. The

lone subject appears to have spent much of the approximately thirty-six minutes near the front of the trailer, likely trying to defeat the heavy-duty trailer hitch lock (see below), and then connecting the trailer. Image 2, embedded below, is of the suspect vehicle and the stolen trailer, shortly before it pulls away.

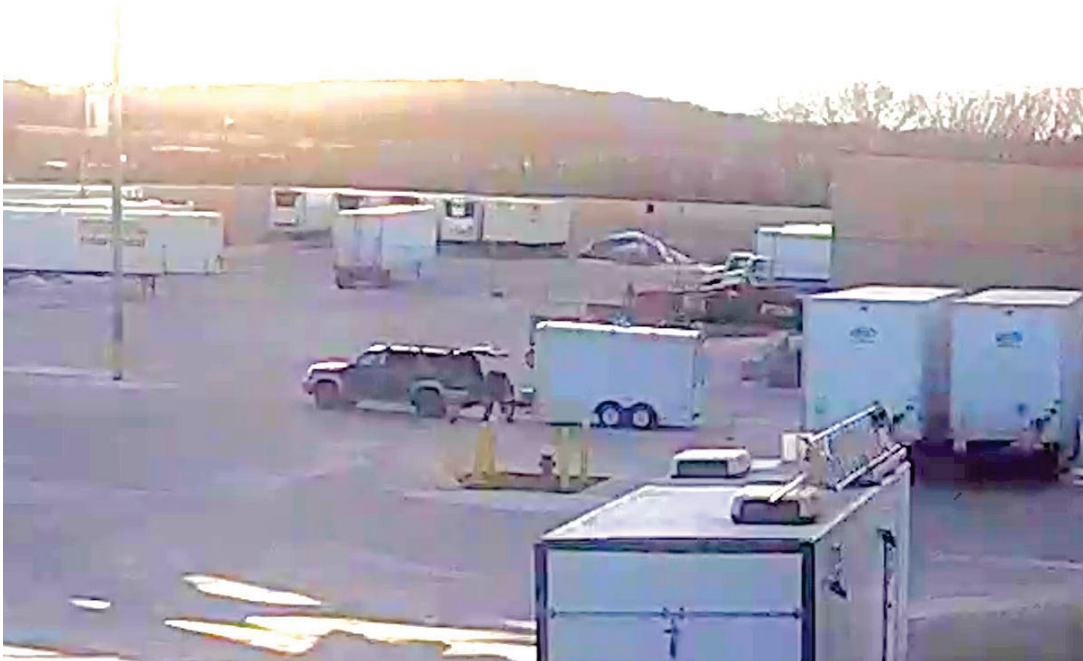


Image 2 – Suspect vehicle and stolen trailer (redacted and enhanced)

5. Based on surveillance images, investigators collectively believe the suspect vehicle to be a 2001 to 2004 Toyota Sequoia.

6. On March 11, 2022, at approximately 1:00 p.m., FBI Task Force Officer (TFO) Investigator Steven Strasser, Milwaukee County District Attorney's Office, observed a vehicle matching the description of the above suspect vehicle. Upon running the Wisconsin registration plate affixed to the vehicle, PX6318, the plate was determined to be expired and not belonging on that vehicle. The registration came back to a known address in Sheboygan, Wisconsin. After observing the occupant of the vehicle engage in an apparent drug transaction, TFO Strasser and another investigator attempted to conduct a traffic stop on the suspect vehicle, within the City of

Milwaukee. The driver ignored the lights and sirens of the TFO's unmarked vehicle and fled, at a high rate of speed, running through red lights and stop signs. The TFOs lost sight of the vehicle for a short period of time, but attempted a second traffic stop when they found it again, which again resulted in the driver fleeing. The below image was taken by the TFOs as they were following the vehicle, before the pursuits began.



Image 3 – Photo of vehicle that twice fled from FBI TFO

7. Shortly after the second pursuit, upon learning of the two pursuits of a vehicle matching the description of the vehicle involved in the trailer theft, I requested FBI TFO Deputy Brian Judd, Sheboygan County Sheriff's Department, check the above referenced Sheboygan address (where the expired registration on the pursued vehicle returned to) for the vehicle and/or stolen trailer. A short time later, Sheboygan deputies and officers observed the earlier pursued vehicle arrive at the residence and a lone male occupant exit and enter the residence.

8. Approximately 20-30 minutes after the vehicle arrived back at the Sheboygan residence, I approached the residence with TFO Judd and other Sheboygan deputies and officers,

in an effort to locate, identify, and interview the owner. The vehicle involved in the pursuit was parked in the driveway, with the registration plate clearly visible from the roadway. See Image 4, embedded below.



Image 4 – Suspect vehicle parked in Sheboygan driveway

9. As we approached the residence, we noted the garage door was open, but there was nobody visible inside the garage. I also noted while approaching the residence door that the vehicle had damage on the front passenger side bumper, consistent to the damage on the vehicle involved in the theft of the trailer. See Image 5, embedded below.



Image 5 – Suspect vehicle in Sheboygan, WI driveway

10. The resident of the house and owner of the improper registration plate on the suspect vehicle, hereinafter referred to as “P.W.”, advised that the suspect vehicle belonged to her boyfriend, Erik SCHELL, born XX/XX/1966, hereinafter “SCHELL.” P.W. advised that SCHELL is the only person that drives the suspect vehicle. P.W. state that she did not give SCHELL permission to use her old registration plate, which she believed he must have found in the garage, and that SCHELL arrived home approximately 20 minutes earlier, after having been gone to an unknown location for approximately two hours. P.W. also advised that SCHELL had just gone outside moments before the FBI/police arrived. Previously established surveillance on the residence strongly suggested that SCHELL could only be in the garage. It was apparent from standing outside the small garage, with the large garage door open, that if SCHELL was inside the garage, he was hiding. I repeatedly identified myself and called for SCHELL to come out of the garage to talk, with no answer. I then observed SCHELL hiding behind several boxes, a short distance from where officers were standing outside the garage. Upon making contact with SCHELL, he was observed actively smoking what appeared to be crack cocaine. SCHELL was repeatedly ordered to drop what he had in his hands and to stop smoking, but instead, he kept using a butane lighter to light/heat the apparent crack cocaine pipe. SCHELL continued those actions even as TFO Judd and I had to physically pull at him to get him to stop trying to smoke the suspected crack cocaine. Several pieces of what appeared to be crack cocaine, as well as a digital scale and pipe were observed on the garage floor and shelf near where SCHELL was hiding.

11. SCHELL’s vehicle was seized as evidence and towed to the Sheboygan County Sheriff’s Department. Prior to the vehicle being towed, from outside the driver’s side of the vehicle, I observed what appeared to be a large yellow trailer hitch lock, similar to the one

pictured below, in the rear seat area. Randy Brandt, FBI Telecommunications Manager, advised that he had purchased a lock similar to the one pictured below and that this lock was on the FBI trailer when it was stolen.



Image 6 – Lock similar to what was on stolen trailer

III. CONCLUSION

12. This affidavit is based upon my personal knowledge, training, and experience, and on information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. This affidavit is also based upon police reports, official records, citizen witnesses' statements, law enforcement surveillance, surveillance video, and public records which I consider to be reliable as set forth herein.

13. Because this affidavit is submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. I have attempted to set forth only the facts that I believe are pertinent to establishing the necessary foundation for the search warrant. Based on the investigation to date, I believe there is probable

cause to believe that property, evidence, fruits, and instrumentalities related to the theft of property belonging to the United States, specifically a utility trailer belonging to the Federal Bureau of Investigation, in violation of Title 18, United States Code, Section 641; as well as property, evidence, fruits, and instrumentalities related to the distribution and possession of controlled substances, in violation of Title 21, United States Code, Section 841, will be located in a gray 2003 Toyota Sequoia, Vehicle Identification Number (VIN) 5TDZT34A63S199754, improperly bearing Wisconsin registration PX6318, further described in Attachment A. The items to be searched for are listed in Attachment B.

ATTACHMENT A

PROPERTY TO BE SEARCHED

A gray 2003 Toyota Sequoia, Vehicle Identification Number (VIN) 5TDZT34A63S199754, improperly bearing Wisconsin registration PX6318 (Images below). The vehicle is currently in evidence at the Sheboygan County Sheriff's Department.



ATTACHMENT B

ITEMS TO BE SEARCHED FOR AND SEIZED

This warrant authorizes the search and seizure of the items listed below from the vehicle identified in Attachment A, in order to locate property, evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Section 641 and Title 21, United States Code, Section 841.

- a. Information relating the whereabouts or travel of the vehicle listed in Attachment A, including records or receipts related to travel to Cudahy, Wisconsin, particularly on March 3, 2022;
- b. GPS devices or other navigational aids within the vehicle;
- c. Evidence related to the theft of the FBI trailer, to include the lock cut off of the trailer, and/or cutting tools, as well as any miscellaneous items that have any FBI identification numbers or emblems affixed to them;
- d. Evidence related to the current whereabouts of the stolen trailer, to include sales records or proceeds (cash or checks), and/or storage locations and records;
- e. Evidence related to the clothing items worn by the individual captured in the surveillance cameras during the theft of the FBI trailer;
- f. Documents that establish ownership or operation of the vehicle; and
- g. Evidence related to controlled substance purchase or possession, to include controlled substances and controlled substance paraphernalia.